

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Terracino M. King a/k/a Tina King f/k/a Tina
Caldwell

Debtor(s)

CHAPTER 13

U.S. Bank National Association, as Trustee, successor in
interest to Wachovia Bank, National Association, as
Trustee for Bayview Financial Mortgage Pass-Through
Trust 2005-D, Mortgage Pass-Through Certificates,
Series 2005-D

Movant

NO. 20-10261 AMC

vs.

Terracino M. King a/k/a Tina King f/k/a Tina Caldwell
Debtor(s)

11 U.S.C. Section 362

Scott F. Waterman

Trustee

MOTION OF U.S. Bank National Association, as Trustee, successor in interest to Wachovia Bank, National Association, as Trustee for Bayview Financial Mortgage Pass-Through Trust 2005-D, Mortgage Pass-Through Certificates, Series 2005-D
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362

1. Movant is U.S. Bank National Association, as Trustee, successor in interest to Wachovia Bank, National Association, as Trustee for Bayview Financial Mortgage Pass-Through Trust 2005-D, Mortgage Pass-Through Certificates, Series 2005-D.

2. Debtor(s) is/are the owner(s) of the premises 857 North Camac Street, Philadelphia, PA 19123, hereinafter referred to as the mortgaged premises.

3. Movant is the holder of a mortgage, original principal amount of \$39,900.00 on the mortgaged premises that was executed on October 11, 1996. The mortgage has been assigned as follows:

M&T Bank to U.S. Bank National Association, As Trustee, Successor in Interest to Wachovia Bank, National Association, as Trustee for Bayview Financial Mortgage Pass-Through Trust 2005-D, Mortgage Pass-Through Certificates, Series 2005-D filed on December 16, 2021 at Document ID Number 53920493

4. Scott F. Waterman, is the Trustee appointed by the Court.

5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).

6. Debtor(s) has/have failed to make the monthly post-petition mortgage payments in the amount of \$566.95 for the months of December 2021 through February 2022 plus late charges if applicable. The debtor's suspense balance is \$404.18.

7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred legal fees and legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

8. The total amount necessary to reinstate the loan post-petition is \$1,296.67 (plus attorney's fees & costs).

9. Movant is entitled to relief from stay for cause.

10. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Rebecca A. Solarz, Esq.

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